

DEC 04 2008

ROBERT H. SHEMMELL, CLERK
BY [Signature]
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

DAVEON MCCLULLOUGH

CIVIL ACTION NO. 1:05CV674

VERSUS

JUDGE DRELL

WARDEN, LSP

MAGISTRATE JUDGE KIRK

CERTIFICATE OF APPEALABILITY

A final order having been filed in the above-captioned habeas case, the court, considering the record in this case and the requirements of 28 U.S.C. § 2253, hereby finds that:

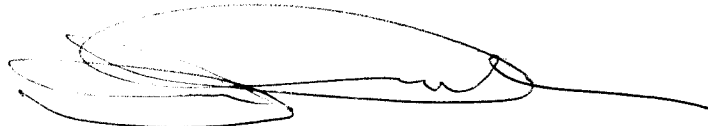
X

The certificate of appealability is DENIED because the applicant has failed to demonstrate a substantial showing of the denial of a constitutional right.

 The certificate of appealability is GRANTED for the below reasons:

The applicant has made a substantial showing that the following issues constitute a denial of a constitutional right:

Signed at ALEXANDRIA, Louisiana, this 4th Day of DECEMBER 2008.



Dee D. Drell
UNITED STATES DISTRICT JUDGE